July 31, 2003

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Swampscott High School
PROJECT MUNICIPALITY : Swampscott
PROJECT WATERSHED : North Coastal
EOEA NUMBER : 13052
PROJECT PROPONENT : Swampscott Public Schools
DATE NOTICED IN MONITOR : June 10, 2003

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Sections 11.04 and 11.06 of the MEPA regulations (301 C.M.R. 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the project involves the development of a new 188,000 square foot (sf) high school designed to serve 850 students on a 24.4-acre parcel of public parkland (Jackson Park) abutting Essex Street in Swampscott. The proposed high school project includes the construction of a total of 325 surface parking spaces, 2,300 linear feet of 30 foot wide paved roadway, a footpath connecting the new school building and the proposed new athletic fields, a 6,000 sf senior center, and signalization improvements to the Essex Street/Burrill Street intersection. As described in the ENF, the proponent has proposed to construct new outdoor high school athletic fields within the upper half of Jackson Park (one baseball field, one softball field, soccer/fieldhockey field, 400 meter running track and five tennis courts). The upper half of Jackson Park is forested and continues to be used for public passive recreational activities. The proponent proposes to locate the new high school outdoor athletic fields on upper Jackson Park. The lower portion of Jackson Park currently contains three Little League baseball fields, five tennis courts, an outdoor ice-skating rink, and approximately 45 surface parking spaces. The proposed new high school building and surface parking spaces will be located on the lower half of Jackson Park.

The proponent proposes to construct deep sump catchbasins, oil/water separators and Stormceptor units to collect stormwater runoff from the site before discharging to the Town's storm sewer system. The proposed project's water supply needs (18,700 gallons per day), and wastewater treatment needs, (approximately 17,000 gallons per day), will be serviced by the Town of Swampscott. The proponent also proposes to construct two Little League baseball fields and one Little League softball field on a separate parcel of property, owned by the Todesco Country Club, to replace the loss of those existing ball fields at the proposed Jackson Park project site.

This proposed school construction project is emblematic of the broader policy considerations involved in school building projects throughout the Commonwealth. All too often our children's need for schools and need for a safe, healthy environment come into conflict. As described in previous certificates on the subject (see in particular EOEA #11920, EOEA #11930, and EOEA #11947), the increasing pressure to convert Article 97 lands to schools and other uses poses a significant threat to the conservation legacy that the Commonwealth has been building over the past several decades in partnership with local governments. Whenever possible, we should encourage reuse of school buildings, which are often key physical and symbolic landmarks of our communities. If reuse is truly infeasible, we should favor the construction of new schools on previously developed sites near existing infrastructure. I acknowledge that state funding policies, which do not currently reimburse municipalities for land acquisition costs of school projects, create an unfortunate incentive to locate new school building projects, and other municipal projects, on public open space or municipal lands with significant ecological value. This policy conflicts with Executive Order 385, which requires all state agency policies and programs to favor the reuse of existing buildings and the redevelopment of previously developed sites. I pledge to make it a priority of EOEA to work with the Department of Education to apply school building grants and construction standards so as to foster the renovation of existing buildings and the reuse of already developed land, thereby relieving pressure on important environmental resources.

I believe it is essential to review rigorously every proposed conversion of public parkland to other uses, lest decades of effort to enhance the Commonwealth's endowment of public open spaces be eroded. The project, as currently proposed, would result in the loss of most of Jackson Park, one of the only remaining large parcels of open space and public parkland in Swampscott. Before such a large impact on public open space can be considered, it is imperative that the proponent demonstrate that no other alternative with less environmental impact is feasible, and that any impacts found unavoidable receive maximum feasible mitigation. I am thus requiring the preparation of a discretionary EIR to address these issues, and the other issues relating to wetlands and drainage.

The project is undergoing review pursuant to section 11.03 (1)(b)(3) of the MEPA regulations, because the project results in the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the

Constitution of the Commonwealth to a purpose not in accordance with Article 97. The project is also undergoing review pursuant to 301 C.M.R. 11.03 (1)(b)(2) and (6)(b)(14) of the MEPA regulations because it involves the creation of 5 or more acres (6.33 acres total) of impervious surface, and the generation of 1,000 or more vehicle trips per day (vtd) (1,326 total vtd) on roadways providing access to a single location and construction of 150 or more new parking spaces (280 new spaces total) at a single location, respectively. The project will require a Sewer Extension Permit from the Department of Environmental Protection (DEP, and may also require an Order of Conditions from the Swampscott Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA has broad-scope jurisdiction extending over all aspects of the project that may have significant environmental impacts.

SCOPE

As modified by this scope, the EIR should conform to the general guidance for outline and content contained in section 11.07 of the MEPA regulations. The EIR should also address the issues raised in the comment letters received and listed at the end of this Certificate. The proponent should circulate the EIR in accordance with Section 11.16(3) of the MEPA regulations. The proponent should make available a reasonable number of copies of the EIR on a first come, first served basis.

Alternatives

The ENF mentions that the Town of Swampscott has conducted an alternatives analysis through a site screening process, but it provides no details on how the Town arrived at its currently preferred alternative. The EIR should analyze the proponent's preferred alternative, and the no-build alternative to establish baseline conditions.
The EIR should consider alternative high school sites that would avoid the use of protected open space, as required under EOEA's Article 97 Land Disposition Policy. These sites may include tax title land, land that the Town could purchase, and land that the Town could acquire with a permanent use easement in order to avoid using public open space. The EIR should consider at least one alternative that reuses the existing Forest Street high school site. In addition, the EIR should identify what other on-site and off-site alternatives the Town considered, and should provide a detailed explanation as to why these other alternative sites were found to be infeasible.

For each alternative site considered, the EIR should consider alternative on-site layouts that minimize impacts to protected open space and parkland, and minimize the creation of impervious surface areas. As described in the ENF, the project will involve significant alterations (12.4 acres) to existing passive and active recreational amenities located within Jackson Park. The EIR should examine on-site alternatives that significantly reduce the total amount of existing open space to be altered. I am particularly

concerned with the amount of alteration proposed for the mature forested upper portion of Jackson Park.
The pine forest in upper Jackson Park contains passive recreational trails as well as important aesthetic and wildlife habitat values. This forested area also serves as an important buffer between existing residential neighborhoods and an active commercial sand and gravel mining operation. Because the resource values that this protected forest provides are not easily replicated, I strongly encourage the proponent to give serious consideration to on-site alternatives that minimize or avoid any alteration to the forested upper portion of Jackson Park.

Project Description/Site Plans

The EIR should include a full project description. For the proponent's preferred alternative, the EIR should include a site plan that clearly identifies each proposed project element. Specifically, the EIR should include site plans for the proposed Jackson Park site, and the two additional parcels of property that the proponent has proposed as Article 97 compensation, (the Aggregate Industries, Inc. property, and the Todesco Country Club property). For the proponent's preferred alternative, the EIR should quantify the amount of land in use as buildings or other infrastructure, the amount of land in use for new outdoor athletic fields, and the amount left as open space. The proponent should identify the outdoor athletic fields and open space that will remain publicly accessible.

The EIR should also discuss any reuse plans for the existing Forest Avenue high school property, and potential impacts from any reuse proposals.

Project Permitting and Consistency

The EIR should include a brief discussion of each state permit or agency action required for the proposed project. The EIR should discuss how the project will meet the requirements and performance standards of each state permit. The EIR should also discuss the consistency of the project with EOEA Article 97 Policies (see below), and should discuss the consistency of the project with Executive Order 385 (Planning for Growth). The EIR should discuss the consistency of the project with any applicable local or regional open space plans.

Article 97/Open Space

Article 97 of the Massachusetts Constitution bespeaks the high value placed upon the preservation of existing protected open space lands. To further the Commonwealth's open space goals, EOEA's Article 97 Land Disposition Policy requires a demonstration that a proponent has explored all feasible options to avoid the Article 97 disposition.

The project, as currently designed, involves a significantly large conversion of Article 97 land, although it is not clear how much of the site will remain in use as publicly accessible open space following project completion. If the proponent continues to identify the current proposal as the preferred alternative, the EIR should clarify how much of the site can continue to be available as public open space after project implementation. I reiterate my concerns as to the alteration of the forested upper portion of Jackson Park and strongly encourage the proponent to give serious consideration to on-site alternatives that minimize or avoid any alteration to the forested upper portion of Jackson Park. In the event that alternative high school sites prove infeasible, the EIR should include the proponent's proposed Article 97 mitigation package identifying compensatory open space land and/or parkland that could be permanently protected, as required by EOEA's Article 97 Land Disposition Policy.

According to the information contained in the ENF, the proponent has proposed to replace the Jackson Park Article 97 land (24.4 acres) with two separate parcels of property, owned by Aggregate Industries Inc. (5.7 acres) and the Todesco Country Club (20.4 acres), which the proponent has secured with use easements from the current property owners. The EIR should examine any additional land area in Swampscott that could be included as part of the proponent's proposed Article 97 mitigation package. The EIR should provide a detailed description of the land area(s) proposed as Article 97 compensation, and should also discuss the value of the land in terms of the resources they provide and the opportunities for active and/or passive recreation they afford. The EIR should also identify the neighborhoods most likely to use the compensatory Article 97 open space/parkland. In a similar case in Worcester, the City of Worcester provided compensatory parkland at a greater than seven to one ratio, and the Town of Winthrop proposed a greater than five to one replacement for a proposed Article 97 conversion that underwent MEPA review in that municipality. While I do not expect that every community will be able to provide compensatory parkland at such high ratios (particularly a densely and fully developed Town such as Swampscott), I do expect that every community will take all feasible measures to exceed the minimum requirements of EOEA's our "No Net Loss" goal.

The EIR should also consider public access to proposed new ball fields developed as part of project and/or public access to the remaining open spaces on the proposed high school site as possible compensation or mitigation for parkland impacts. I offer to make EOEA land policy staff available to provide advice to the Town on feasible mitigation.

Wetlands

All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations within the proposed high school site and any land area(s) proposed as

Article 97 compensation, should be clearly delineated on a plan at a suitable scale. Bordering vegetated wetlands that have been delineated in the field should be surveyed, mapped, and located on the plans.

Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The test should explain whether the local conservation commission has accepted the resource area boundaries and any disputed boundary should be identified.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The EIR should examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. The EIR should provide detailed plans illustrating the proposed project's impacts to wetlands resource areas. Where it has been demonstrated that impacts are unavoidable, the EIR should demonstrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The proponent will need to provide wetlands replication at a ratio of at least 1:1 for any unavoidable impacts to wetlands.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the EIR which, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The locations of detention basins and their distances from wetland resource areas, and the expected water quality of the effluent from said basins should be identified. This analysis should address current and expected post-construction water quality (including winter deicing and sanding analyses) of the predicted final receiving water bodies. Sufficient mitigation measures should be incorporated to ensure that no downstream impacts would occur. The drainage analysis should ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns.

Drainage/ Stormwater

The project as currently designed will create more than six acres of new impervious surfaces. The EIR should include a drainage plan, and should discuss the consistency

of the drainage plan with the DEP Stormwater Management guidelines. The EIR should identify any stormwater discharge points, and describe any drainage impacts associated with required off-site roadway improvements. The EIR should investigate feasible methods of reducing impervious surfaces.

The EIR should present drainage calculations and detailed plans for the management of stormwater from the proposed project. It should include a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The EIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for 10, 25 and 100-year storm events. If the proponent ties into an existing municipal stormwater system, the EIR should clarify the permits required and if there will be a recharge deficit on-site. The EIR should describe where the Burpee Road, The Greenway and Essex Street drainage systems discharge in this area. It should also be demonstrated that the proposed drainage system would control storm flows at existing levels.

The EIR should address the performance standards of DEP's Stormwater Management Policy. It should demonstrate that the design of the drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system design not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness, and should outline the maintenance operations, sweeping schedule, responsible parties, and back-up systems.

Parking

The EIR should describe how the number of parking spaces needed was determined. The EIR should demonstrate that the parking supply is the minimum necessary to accommodate project demand without unduly encouraging student or employee commuting by single occupant vehicles. If the parking supply is greater than the amount required under local zoning, the EIR should explain why, and discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program, and the feasibility of an alternative with fewer spaces.

Section 61/ Mitigation

The EIR should include a summary of all mitigation to which the proponent has committed. The mitigation summary should form the basis of the Proposed Section 61 Findings that the proponent will present in the Final EIR.

July 31, 2003
DATE

Ellen Roy Herzfelder, Secretary

Comments received:

06/10/03 Community Coalition To Save Jackson Park
06/27/03 Kevin Donaher
06/30/03 Coalition for the Health of Aggregate Industries Neighbors
06/30/03 Massachusetts Association of Conservation Commissions
07/01/03 Metropolitan Area Planning Council (MAPC)
07/07/03 Massachusetts Department of Environmental Protection (DEP) – NERO
07/07/03 Martha Pitman, M.D.
07/07/03 Mr. & Mrs Santella
07/07/03 Madeline Chouinard
07/07/03 Gayle Rubin
07/07/03 Inga L. Parsons, Esq. & Roger Talkov
07/07/03 Jill Koidin
07/07/03 Jasnon Snyder
07/07/03 Carole P. Snyder
07/07/03 Mr. And Mrs. Beau Limboker
07/07/03 Betty Dean Holmes
07/07/03 Amy B. Forman
07/07/03 Adam P. Forman
07/07/03 Jeffrey S. Blonder
07/07/03 Jeanne Maclaurin
07/07/03 Howard E. Rotner, M.D. & Sandra T. Rotner
07/08/03 Sandra Linckey
07/08/03 Phyllis A. Patkin, Marjorie Patkin, Stanley J. Patkin, Randall Patkin, MD
07/08/03 Sherrie & John Witt, Donna & Edward Seligman
07/08/03 Shelley A. Sackett
07/08/03 5 “In Favor” form letters
07/08/03 Joseph P. Crommins & Anne Crimmins
07/08/03 Beverly Block
07/08/03 Lyman Lindsey
07/08/03 Eric S. Levy & Sheryl Levy
07/08/03 Jessica Drew O’Gorman
07/08/03 Dr. Timothy & Debbie Gabe
07/08/03 Sharon Jaffe & Howard Tripolsky
07/08/03 Barry & Claudia Rodenstein
07/08/03 Dr. louis Brown & Debbie Friedlander
07/08/03 Suzanne Wright

07/08/03 Ellen Winkler
07/08/03 Kathleen Cormier & Stephen Cormier
07/08/03 Faythe A. Jacobs
07/08/03 Pamela Wheaton Shorr
07/08/03 Anne & Joseph Gold
07/08/03 Ann & Rick Massey
07/08/03 Virginia Keenan & Thomas Keenan
07/08/03 Don Pinkerton
07/08/03 Jill G. Sullivan
07/08/03 Philip Rotner & Kim Rotner
07/08/03 Deahn Leblang
07/08/03 Greg O'Gorman
07/08/03 Martha A Curry
07/08/03 Cynthia Shannon
07/08/03 Michael Falco
07/08/03 Martin C. Goldman
07/08/03 Rebecca Kinchley
07/08/03 Edith & Paul Weiss
07/09/03 Julie Sagan
07/09/03 Thomas J. Nunno, P.E., LSP, LEP
07/09/03 Anne & Myles Brown
07/09/03 David Graham
07/09/03 Arthur J. McLeod
07/09/03 James J. Kinchley
07/14/03 Ann Tikkello
07/14/03 Veeder C. Nellis
07/18/03 Rosemary DeJoy
07/22/03 Walter Kester

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